

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MORCOUS MORGAN, and)	
ERIEN IBRAHIM,)	
Petitioners,)	
)	Civil Action 04-11017-RCL
v.)	
)	
JOHN ASHCROFT, MICHAEL GARCIA,)	
BRUCE CHADBOURNE, and)	
ANDREA CABRAL,)	
Respondents.)	

**RESPONDENT'S MOTION TO DISMISS FOR LACK OF JURISDICTION,
FAILURE TO EXHAUST AND FOR FAILURE TO STATE A CLAIM**

Pursuant to Fed. R. Civ. P. 12(b)(1) and (6), the Respondents move to dismiss the instant action on the ground that this Court lacks subject matter jurisdiction. Alternatively, this Court should dismiss the petition for failure to exhaust and for failure state a claim.

In support of this motion, the Respondents submit the attached memorandum of law and exhibits.

Wherefore, the Respondents request that the instant petition be dismissed.

Respectfully Submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Mark J. Grady
MARK J. GRADY
Assistant U.S. Attorney
U.S. Attorney's Office
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
Tel. No. (617) 748-3136

Certificate of Compliance

I hereby aver that I contacted counsel for the Petitioners regarding the relief sought by way of this motion on June 16, 2004. No agreement could be reached.

/s/ Mark J. Grady
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